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[REDACTED]

**STATE OF WISCONSIN**  
**Division of Hearings and Appeals**

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

FOO/159260

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**PRELIMINARY RECITALS**

Pursuant to a petition filed July 22, 2014, under Wis. Admin. Code § HA 3.03(1), to review a decision by the Milwaukee Enrollment Services in regard to FoodShare benefits (FS), a hearing was held on August 19, 2014, at Milwaukee, Wisconsin.

The issue for determination is whether the agency properly calculated Petitioner's FS benefit effective August 1, 2014.

There appeared at that time and place the following persons:

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]  
[REDACTED]  
[REDACTED]

I

Respondent:

Department of Health Services  
1 West Wilson Street, Room 651  
Madison, Wisconsin 53703  
By: Katherine May  
Milwaukee Enrollment Services  
1220 W Vliet St, Room 106  
Milwaukee, WI 53205

**ADMINISTRATIVE LAW JUDGE:**

Corinne Balter  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County. Petitioner's household size is 1.
2. Effective August 1, 2014 Petitioner's monthly FS benefit is \$59. Previously Petitioner was receiving the maximum monthly FS benefit of \$189 based upon her household size of one.

3. On June 24, 2014 Petitioner completed a renewal application for her FS benefits. During the renewal process the agency verified Petitioner's employment at [REDACTED]. Petitioner works 75.25 hours per bi-weekly pay period. Her rate of pay of \$7.25 per hour giving her a monthly gross income of \$1,253.86. This was an increase in Petitioner's gross income. Previously the agency had calculated Petitioner's monthly gross income to be \$655.17. Petitioner did not report any other changes in rent or expenses.
4. Although Petitioner completed her renewal in June, the agency did not receive employment verification until July 2013.
5. On July 14, 2014 the agency mailed Petitioner a notice stating that her monthly FS benefit was reduced from \$189 to \$59 due to an increase in her income.
6. On July 24, 2014 the Division of Hearings and Appeals received Petitioner's request for fair hearing. In her request she asked that her monthly FS benefit be increased to \$90.

### **DISCUSSION**

In calculating the petitioner's FS allotment, the agency must follow a procedure prescribed by the federal FS regulations, and echoed in the Department's *FS Wisconsin Handbook*. The federal rule requires that the county start with gross income, deducting a limited number of identified deductions from that income to calculate the adjusted income. *FSWH*, 1.1.4. The regulations direct that a Standard Deduction be subtracted from income in all FS cases. 7 C.F.R. §273.9(d)(1). The Standard Deduction for a household size of 1 is \$152, per *FS Wisconsin Handbook*, 8.1.3. There are additional deductions including earned income deduction, excess medical and dependent care. 7 C.F.R. §273.9(d)(3). An Excess Shelter Deduction can be subtracted from the income after deductions if allowable shelter expenses exceed half of the adjusted income. 7 C.F.R. §273.9(d)(6)(ii).

I have reviewed the agency's calculations in this case. I find that the agency correctly calculated Petitioner's monthly FS benefits effective August 1, 2014. The issue in this case lies in the reduction. Petitioner was receiving \$189 in monthly FS benefits, which was reduced to \$59. This reduction was due to an increase in Petitioner's income. Prior to the August 1, 2014 reduction Petitioner was earning \$655.17 in monthly gross income. Petitioner's monthly gross income increased to \$1,253.86. Petitioner agrees that her monthly gross income increased to \$1,253.86. Petitioner's argument is that although she did not need the maximum amount of \$189.00 in monthly FS benefits, \$59 per month is not enough FS to get her through the month. She believed that based upon her income and expenses \$90 would be a sufficient amount for her monthly FS benefit. The agency is only allowed to take a limited number of deductions based upon specific expenses dictated by the federal FS regulations. The agency took the proper deductions in this case.

### **CONCLUSIONS OF LAW**

The agency correctly calculated Petitioner's monthly FS benefit effective August 2014.

**THEREFORE, it is**

**ORDERED**

That the petition is dismissed.

### **REQUEST FOR A REHEARING**

This is a final administrative decision. If you think this decision is based on a serious mistake in the facts or the law, you may request a rehearing. You may also ask for a rehearing if you have found new evidence which would change the decision. Your request must explain what mistake the Administrative

Law Judge made and why it is important or you must describe your new evidence and tell why you did not have it at your first hearing. If you do not explain these things, your request will have to be denied.

To ask for a rehearing, send a written request to the Division of Hearings and Appeals, P.O. Box 7875, Madison, WI 53707-7875. Send a copy of your request to the other people named in this decision as "PARTIES IN INTEREST." Your request for a rehearing must be received no later than 20 days after the date of the decision. Late requests cannot be granted.

The process for asking for a rehearing is in Wis. Stat. § 227.49. A copy of the statutes can be found at your local library or courthouse.

## **APPEAL TO COURT**

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be served and filed with the appropriate court no more than 30 days after the date of this hearing decision (or 30 days after a denial of rehearing, if you ask for one).

For purposes of appeal to circuit court, the Respondent in this matter is the Department of Health Services. After filing the appeal with the appropriate court, it must be served on the Secretary of that Department, either personally or by certified mail. The address of the Department is: 1 West Wilson Street, Room 651, Madison, Wisconsin 53703. A copy should also be sent to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400.

The appeal must also be served on the other "PARTIES IN INTEREST" named in this decision. The process for appeals to the Circuit Court is in Wis. Stat. §§ 227.52 and 227.53.

Given under my hand at the City of Milwaukee,  
Wisconsin, this 25th day of August, 2014

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\sCorinne Balter  
Administrative Law Judge  
Division of Hearings and Appeals



**State of Wisconsin\DIVISION OF HEARINGS AND APPEALS**

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The preceding decision was sent to the following parties on August 25, 2014.

Milwaukee Enrollment Services  
Division of Health Care Access and Accountability